

receiving large benefits from the enterprise
to help it along. The railroad subscriptions
alone should amount to \$50,000.

When it is remembered that no solicitors
have yet commenced work, the outlook for
the convention hall must be regarded as
particularly bright. Its early erection now
seems an absolute certainty.

THE STOCK YARDS LITIGATION.

The taking of testimony in the stock
yards case having been completed, it is
now possible to follow the lines of com-
petency and intelligence. At the start off
it may be said that the litigation involves
legal points that have not yet been passed
upon by the courts, at least to the extent
of covering the precise conditions presented
here. The contention of the stock yards
company is that it is entitled to earn fair
interest upon the amount of its outstanding
stock and the present value of the prop-
erty, regardless of how that stock may have
been issued or how much actual money
went into the investment. The right of the
state to go back to conditions as they ex-
isted at the time the legislature assumed
control of the stock yards business and
made the institution a quasi-public one is
disputed. It has been the effort of the
company to show that its plant, good will
and business is worth to-day even more
than the amount of outstanding stock, and
the court will be asked to decree that in-
terest may be earned upon this value inde-
pendent of the manner in which it may
have been created.

From the company's standpoint, it is of
no use for the state to show that much of
the outstanding stock was issued in the
form of gifts and profit dividends. Even
if all the stock had been issued in such
a manner it could not be assailed so long
as legal form had been observed. The gifts
were necessary to the development of the
company's business, it maintains, and
therefore they represent an actual invest-
ment now standing in what might be called
the good will of the enterprise. In short,
it is the contention of the company that in
such a suit as this the state cannot go back
to the present property values, tangible
and intangible, and the stocks that have
been issued as their representative.

On the other hand, the state is resting
upon its ability to show that the great val-
ues claimed by the stock yards company
and the stocks outstanding are fictitious,
in the sense that they were created and
are maintained by the exorbitant charges
which the company have been privileged
to exact, and that they neither represent a
legitimate investment nor are entitled to be
considered in figuring what reasonable re-
turn might be. If these intangible values,
created by exorbitant charges, are to be
considered in estimating the interest-earn-
ing limit of the plant, says the state, then
it is obvious that it forms an endless chain
that can never be broken by law. While
it is admitted that the stock of the com-
pany is worth in the market its full par
value, it is claimed that this value is main-
tained by the immediate charges and is
not due to the value and good will of the
plant as an ordinary business enterprise.

We have said that this case presents
several points that have never been passed
upon by higher courts. While this is true
it is also true that some of the most im-
portant issues involved have been passed
upon very recently. Along the contention
that no inquiry can be made into the man-
ner in which a stockholder secured his
stock, Associate Justice Brewer said, in
the now famous Nebraska railroad case:
"In condemnation proceedings no inquiry
is permitted as to how the owners have
acquired the property, provided only that
it be legally held by them. If a farm be-
longs to an individual, and the public
wishes to take it, it must pay its value, and
is not permitted to diminish the price by
proving the owner acquired the means of
purchase by immoral or disreputable prac-
tices. He may have made his fortune deal-
ing in slaves, as a lobbyist, or in any other
way obnoxious to public weal, but if he
has acquired a legal title to the property
he is protected in its possession, and can-
not be disturbed until the receipt of its
actual cash value. No inquiry is open as
to whether the owner has received gifts
from state or individuals, or whether he
has, as owner, managed the property well
or ill, or so as to acquire a large fortune
therefrom. It is enough that he owns the
property—has the legal title; and, so own-
ing, he must be paid the actual value of
that property." The value of property
cannot be destroyed by legislation de-
priving the owner of adequate compensa-
tion."

If Justice Brewer has enunciated a rule
of law that will stand, it would seem that
every stockholder in the stock yards com-
pany is entitled to interest upon the face
of his stock, regardless of whether it was
issued as a gift or in the form of profit
dividends.

In the United States circuit court of ap-
peals, sitting in New York, a decision was
last week handed down that seems to bear
out the contention of the stock yards com-
pany that they have a right to estimate the
good will or intangible value of their prop-
erty in determining its value. The court
held that such a value is susceptible of
proof and that it may at times exceed the
value of the real property many times
over. In this connection it is the conten-
tion of the state that cutting down rates
does not impair the good will of the stock
yards. It will in no manner decrease its
business or injure it in the estimation of
its patrons, though it is contended that it
will decrease its profits.

Thus, hurriedly, are sketched the main
features of a case that is certain to go to
the supreme court of the United States. It
is important as involving the relative
rights of the people and corporations and
bids fair to determine much more clearly
than has ever been done before the length
to which a legislature may go in control-
ling corporate institutions.

EDITORIAL NOTES.

The objection to a late spring is that it
drops us into the pit of summer too sud-
denly.

Monopoly still goes marching on. A few
states up in the Northwest have cornered
a cold wave.

The Democratic organs are carrying Ohio
in about the same way they carried that
state last summer.

In his letter to the Cuban Junta, Gomez
gives Weyler something which very much
resembles the horse hoof.

Spain would feel more comfortable if
Uncle John Sherman's sleeve were searched
for more annexation surprises.

The protest of the Widow Dominis sounds
very much like the talk of a woman who
hopes to be mollified with a pension.

The condition of those fifteen people who
were immersed in the Chicago river as a

result of a bridge accident is not hopeful.

If they will bury themselves in the ground
for a few days the odor will not be notice-
able.

Mrs. Lessa's jubilee poem may not be a
work of transcendent merit, but it will
compare favorably with Laureate Austin's.

Why should the senate defer action on the
treaty until next winter? Annexation will
not imperil the interests of the sugar trust.

President McKinley appears to be deter-
mined that his administration shall not
go into history as one with a nervous fore-
ign policy.

A Texas schoolmarm hunted down and
killed a young man who had assailed her
reputation, and her reputation is now per-
fectly lovely.

Unless indications are misleading, the
kingdom of Spain will presently receive a
mighty interesting and unwelcome com-
munication from the city of Washington.

There was only one candidate for treasur-
er of the Kansas Republican League.
Other aspirants knew it was no use to try
to beat Frost, with the mercury hanging 50.

"In nine cases out of ten," says the
Washington Post, "the pessimist is the pos-
sessor of a torpid liver." The pessimist of
to-day is the possessor of a torpid patriot-
ism.

Pessimists may insist that "you can't
make prosperity by legislation," but the
people don't see why the rule won't work
both ways. They know what the Wilson
bill did.

The senate may not be ready to co-operate
with the president in the annexation of
Hawaii, but it can probably be depended
on to back up any sassy talk he may want
to make to Spain.

It seems that the queen and General Miles
are both in prime condition. If Richard
Harding Davis is found to be all right,
there is no reason why the jubilee should
not be pulled off on schedule time.

People west of Kansas City will soon en-
joy the luxury of reading a morning paper
instead of an evening paper for breakfast.
News hot from the wires will harmonize
nicely with biscuits hot from the oven.

The newspaper correspondent who refused
to answer questions asked by the senate
committee has also been acquitted. Con-
tempt of the senate doesn't seem to be a
very serious offense in the opinion of Judge
Bradley.

The scientist who estimated that there
are 2,000,000 tons of brains in the world,
says a contemporary, took no account of
the Populists. If that is true the estimate
is incorrect. The amount should be 2,000,-
000 tons and 2 ounces.

If Mr. Debs does not find any suitable
location for his colony in the Western
states let him not be discouraged. He can
go right on out into the Pacific and pre-
empt an island. The more remote the is-
land and the more the scheme will commend
itself to his fellow citizens who remain be-
hind.

KANSAS TOPICS.

The report comes from Topeka that Chief
Justice Doster has taken up with a kodak.
He will find the instrument unequal to the
occasion. The only thing calculated to take
the wobbles of the supreme court in a
satisfactory manner is the vitascope.

The Republicans of Kansas always have
a high of relief when the annual meeting
of the Republican State League has come
around. A batch of delegates are sent
on hand who are to represent some-
body, or who would usurp the functions of
the Republican state convention by adopt-
ing a platform, and the majority of the
delegates who now attend the meetings do
so from a patriotic desire to keep the
cranks from kicking over the traces.

Abilene can never expect to secure the
renewal and extension of the outside road
until she teaches her newspapers to get
together on vital issues. The Reflector
says "a sumptuous wedding breakfast then
followed," while the Chronicle reports that
"a delectable wedding breakfast came
next."

Memory has at last paid some tribute to
the memory of a worthy man. At the re-
cent meeting of the state university re-
gents the main building in the university
collection was named "Fraser hall," in
honor of General John Fraser, who was
the president of the university at the time
the building was erected.

Topis has always held the opinion that
a man might be reasoned out of any con-
dition who could lick himself among his
professional prizefighter. Champion prize-
fighters become so, not because they are
the best of all men, but because they are
the best of the comparatively few men
who engage in it.

A fight had been arranged between
"The Galveston Spider," who claimed to
be the champion of his class in Texas, and
an Atchison pugilist. On the way to the
fighting grounds the "Spider" commenced
to "gig back" on the ground that there
wasn't money enough in the purse. This
enraged one of the crowd who taunted the
"Spider" by saying "You ain't no spider."

The "Spider" responded that if the Atchison
man would put on the gloves he would dis-
cover who was afraid. The Atchison man
had never been in a boxing contest in his
life, but he threw off his coat, tied on the
gloves, and in less than four minutes had
the "Spider" whipped so bad that he called
for quarter. Topics believes there are doc-
tors of men walking around in Kansas
City who can whip Fitzsimmons in less
time than he expends on Corbett.

Mrs. Susanna Miles, who died in Eudora
last week, had just celebrated her 100th
birthday. She was daughter of Daniel De
Bras, who served with Washington
throughout the Revolutionary war, and her
birthplace was Maryland.

Webb McNeal is hardened beyond the
reach of remorse or he would now be con-
templating some of his wretched work in
the desert with the same indifference as
the last issue of the Pratt Republican is a de-
tailed story of a hall storm which destroyed
every spear of wheat in an 18-acre field
belonging to Robert Harrel. Just the week
before Mr. Harrel went to an agent in
Pratt for the purpose of taking out insur-
ance upon the field, but he was informed
that Superintendent McNeal had debarred
the hall computer from the field, and such
risks could not therefore be written. He
went home without the insurance, and just
a week later stood in his door and saw
the field completely destroyed. For three
or four years Mr. Harrel has raised no
crops, and his sole hope rested in the
promises of the present year. He is now a
ruined man, and all through the ignorance
of a dishonest and unscrupulous superin-
tendent of insurance.

The days of a barren congressman are
long-suffering and full of trouble. He
goeth forth into the fields in the morning to

sow the seeds of popularity, but before
night comes he has buried the beam out of
his plow, torn up the harness and ham-
stringed both horses in a wire fence. These
factors, it is suggested, are suggested by
the riot gathering in the vicinity of
Delaware Callahan, of Oklahoma. Delegate
Callahan was elected by the slaves and
negroes, and now he is coming to his
hand to the appointment of a con-
dict to the Annapolis naval academy. He
appointed the son of a man who got rich
by loaning money to the slaves and serfs
at 5 per cent a month. The slaves and
serfs are on the war path.

Tom McNeal has been a newspaper man
for years, but the first time in his
life he is now experiencing the distaste
of taking a little of his own medicine. He
has been pursued by the interviewers over
that Cy Leland stock yards matter until
there must be something of a fake in the
howl about "tight" times, so far as that
locality is concerned.

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sented the state troops of the Union, and
Confederacy and saved it to the Union.
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won the fight the effect on public sentiment
might have been such as to greatly injure
the cause of the North."

Sheehan Bribes Bryan.

From the Chicago Tribune.
It appears that Bryan has been bought
off by Tammany. His devotion to free
silver is not as potent as his love for office.
Bryan set out by demanding that in the
contest for the mayor of Greater New York
"no backward steps be taken." The Chicago
platform be taken. The Chicago platform
"three columns of silver" be inscribed
legibly on the banners of the local democ-
racy. His object was of course a selfish
one. He wished to keep himself and the
principle with which he is identified con-
stantly before the people.

Sheehan, the Tammany chief, is deter-
mined there shall be no free silver in the
campaign. He does not desire to shake a
red rag in the faces of the sound money
advocates, but to show them he is a
knew how to shut up Bryan, and the
event proves he was not mistaken.

Sheehan invited Bryan to visit New York
and the invitation was accepted. Then
Sheehan offered him a bribe. He accepted
Bryan the delegates which will be sent from
Greater New York to the Democratic na-
tional convention of 1900. Such promises
can be broken as easily as they are made,
and Bryan has only the prospect of secur-
ing a big block of delegates, and so came
to terms with Sheehan at once.

That is why the individual who was giv-
ing out his instructions a short time ago
to Bryan to take a backward step, a
backward step, regarding free silver in the
majority contest, advises now the
effacement of the free silver doctrine.

Bryan has agreed to decline to attend
the Fourth of July celebration and make a
speech. He is to write a letter advising
that the campaign be fought on local issues
alone, and that "every step be taken to
prevent the Greater New York from becom-
ing a Republican stronghold, like Philadel-
phia."

Therefore nothing must be said about
"free silver" or "is to 1." In Kentucky
Bryan demands that the sound money
advocates be guillotined. In New York
Bryan demands that the sound money ad-
vocates be guillotined, even if it is necessary
to furl and put away the battle flags of 1896 to do it.

Rubbernecking at Bryan's Home.

From the Nebraska State Journal.
The east bound Burlington flyer stops at
Lincoln 1:15 and 2:15. That gives time
enough for sightseers to get into a trolley
car and ride a mile or two and then back
without feeling that there is danger that
the train will go away and leave them. The
rail takes them out Seventeenth street and
all of them have the rubbernecking point-
ed out by the conductor. If the tourists hap-
pen to be silver people and the train from
the West brings a great many of that kind
they get off at a rest and spend all the
time at their disposal in rubbernecking in
front of the home of their idol. They gather
leaves from the Bryan trees and blades
of blue grass from the Bryan lawn, and
even pick up bark from the Bryan trees
and add them to their collections of pre-
cious relics. A man living in that neighbor-
hood says that this one train furnishes an
average of a dozen of these tourists every
day. There are a dozen notable public
buildings in and around Lincoln, but this
Bryan house attracts more attention than
all of them combined from these chance
visitors.

A Sensible Charity.

From National Stockman and Farmer.
Most of our large cities are overcrowded.
In them are many deserving poor who can-
not earn enough to take care of them-
selves. A plan to solve the problem of their
condition is now under consideration. The
parties to it are Mr. Booth-Tucker, of the
Salvation Army, Judge Emery, of Law-
rence, Kas., of the national rubbernecking con-
gress, and a number of wealthy men whose
names have not been mentioned. The plan
is to settle these deserving poor, who can-
not secure sufficient employment in the
crowded cities, upon the arid lands of the
West. The land can be secured for trifling
sums, and under irrigation would raise
quite enough to make the families inde-
pendent and give them a home and land
of their own. It is proposed to cut the
land up into small lots of five and ten acres
for each one. Should this plan be carried
out it will do good in many ways. It will
relieve the charitable organizations of our
cities of a heavy burden, give employment
to great numbers of worthy people, and
would make tens of thousands of arid acres.
Wealthy men could not make a better in-
vestment for the public good.

headquarters for the local fire department
or suffer it to disband, as it threatens in
case its ultimatum is disregarded.

Gus Lettwich, of the Gallatin Democrat,
is a Republican editor, but he is one of the
brightest young newspaper men in his
part of the state, and makes his political
conversion to make him eligible for such
an honor. It really isn't a hopeless case.

Sam Jones is looked for a lecture in
Des Moines Thursday night, and a train-
load of people will go down from Sedalia
prepared to resent any insinuation to the
effect that their town lies within the bound-
aries of that celebrated half mile limit.

So numerous are the bugles, organs and
pianos that have been bought by citizens of
Lathrop recently that the editor of the
Monitor has begun a list of the names of
the donors. There may be something of a fake in the
howl about "tight" times, so far as that
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THE SOWER.

A Sower went forth to sow.
His eyes were dark with woe;
He crushed the flowers beneath his feet,
Nor sought the perfume, warm and sweet,
That prayed for pity everywhere.
He came to a field that was harried
By iron, and to heaven laid bare;
He shook the seed that he carried
Over the brown and sunken place.
He shook it, as God shakes hail,
Over a doomed land,
When lightning's interlapse
The sky and the earth, and His wand
Of love is a thunder-clap.

Thus did that Sower sow:
His seed was human blood;
And tears of women and men,
And I who near Him stood,
Said: "When the crops come, then
There will be sobbing and sighing,
Weeping and wailing and crying,
Flame, and ashes, and woe."

It was an autumn day,
When next I went that way,
And what, think you, did I see—
What was it that I heard—
What music was in the air?
The song of a sweetest bird?
Nay, but the songs of many,
Thrilled through with praise and prayer.
Of all those voices not any
Were sad or full of woe.

And a sea of sunlight flowed,
And a golden harvest glowed!
And I said: Thou only art wise—
God of earth and skies!
I thank Thee, again and again,
—Richard Watson Gilder.

A TERRIBLE INFANT.

I recollect a nurse called Ann,
Who carried me about the grass,
And one fine day a fair young man
Came up and kissed the pretty lass;
She did not make the least objection
To